Private Land Public Wildlife Advisory Council MEETING SUMMARY

Wednesday, February 19th, 2014, 8:00 a.m. – 5:00 p.m. Thursday, February 20th, 2014, 8:00 a.m. – 12:00 p.m. *Jorgenson's Inn & Suites, Helena*

Council Members Present:

Joe Perry (Chairman), Richard Stuker (Vice-Chairman), Dwayne Andrews, Chris King, Blake Henning, Rod Bullis, Daniel Fiehrer, Lisa Flowers, Denley Loge, Tom Jacobson (State Representative), Jim Peterson (State Senator), George Bain (ex officio - USFS), Kevin Chappell (ex officio - DNRC), Pat Gunderson (ex officio - BLM)

FWP Staff Present:

Jeff Hagener, Alan Charles, Ken McDonald, Mike Lewis, Joe Weigand, Jim Kropp

Facilitation Team:

Emily Schembra and Rachel Gussin, Center for Natural Resources & Environmental Policy

MEETING SUMMARY:

This document summarizes the Private Land Public Wildlife Advisory Council (Council) meeting convened on Wednesday, February 19th and Thursday, February 20th 2014. The summary focuses on agenda items, discussion, and action items related to each agenda item. Meeting presentations and handouts are attached.

Wednesday, February 19th

AGENDA ITEM 1: WELCOME AND INTRODUCTIONS

Joe Perry opened the meeting with a welcome and asked members to introduce themselves. Emily Schembra reviewed the meeting objectives and meeting agenda. The Council welcomed members of the public (15-20 observers were present throughout the day).

AGENDA ITEM 2: REVIEW DEPARTMENT FINANCES

Ken McDonald, FWP, reviewed and discussed funding sources for the Hunter Access Enhancement Program. Ken referenced an excel sheet throughout his discussion (attached). The main take-away point from Ken was that any funding changes the Council would like to make will involve reallocating existing funding, and making tradeoffs, within the Hunter Access Enhancement Program budget. Moving forward from FY2014, FWP projects the Program will be working from a budget of roughly \$7.5 to \$7.6 million of total revenue, the majority of which is currently allocated for the Block Management Program (BMP). The Council should keep this total amount in mind for planning and recommendations purposes, with a focus on balance between expenditures and revenue. Ken also discussed the challenges associated with, and potential for improving or hybridizing, the "Coming Home to Hunt" and Montana Resident Sportsman's Licenses. Ken can be reached with additional questions at kmcdonald@mt.gov.

AGENDA ITEM 3: REVIEW BLOCK MANAGEMENT PROGRAM HISTORY, ADMINISTRATION, AND STATUS

Alan Charles, FWP, reviewed Block Management Program (BMP) Basics, covering "What the Block Management Program is *not*," "What the Block Management Program *is*," program incentives, the rationale for the compensation program, BMP funding sources, an overview of how the program works on the ground, and observations of BMP implementation and success based on survey data and trends. Alan's presentation is attached, and he can be reached with questions at acharles@mt.gov.

AGENDA ITEM 4: REVIEW BLOCK MANAGEMENT PROGRAM AUDIT REPORT

Joe Murray, Legislative Audit Division, reviewed the findings and recommendations from the Block Management Program Performance Audit completed by the Legislative Audit Division in October of 2013. Joe presented a brief, third-party overview of the BMP before explaining the rationale and findings related to each of the six audit recommendations. The recommendations focus on how to improve procedural and managerial implementation of the BMP in order to improve consistency and accountability. The performance audit is available at http://leg.mt.gov/content/Committees/Interim/2013-2014/EQC/Meetings/January-8-9-2014/block-management-performance-audit-october-2013.pdf. Joe's presentation is attached, and he can be reached with questions at imurray@mt.gov.

AGENDA ITEM 5: FACILITATED DISCUSSION WITH BLOCK MANAGEMENT PROGRAM PRESENTERS

Ken McDonald, Alan Charles, and Joe Murray participated in a facilitated discussion with Council members and public observers following their presentations.

Block Management Program Audit Discussion:

Most of the discussion revolved around the BMP performance audit and Mr. Murray's presentation. It was clarified that the audit did not find violations of law, under either statute or administrative rules. Instead, the recommendations were directed at procedural implementation of the statutes and rules, and represent the auditor's findings and options. Some members of the Council and public felt that the audit team did not recognize the importance of the collaborative work that went into developing the BMP, as well as the effect the negative press could have on the BMP's success if it hampers relations between landowners and the FWP.

Council members and public observers also questioned the appropriateness of the audit team providing management and implementation oriented recommendations from an outside perspective. Mr. Murray explained that unlike a fiscal or other type of audit, the purpose of a performance audit is to examine the function, operation, and/or management of a program to assess efficiency and effectiveness. Council members were also concerned with the media attention related to the audit, which incorrectly implied that the BMP was facing legal problems. When asked to work to correct the misinformation, Mr. Murray replied that the audit findings were clear and the Legislative Audit Division cannot control how findings are interpreted by the

news media; however, Mr. Murray later agreed to clarify findings and correct misinformation if given the chance, and to try and stop further perpetuation of misinformation.

The speakers discussed the purpose of conservation easements (generally habitat protection), the "cost" of easements for landowners, and the acres currently enrolled in FWP's easement program. The Council discussed the audit's findings related to perceived "double dipping" with conservation easement benefits. Mr. Murray clarified that statutes were not broken, FWP did not concur with the recommendations, and the audit team was only looking for ways to increase financial efficiency in the Department.

In general, Council members heard viewpoints that some recommendations were valid, and the Department concurred, while others were not appropriate and the Department did *not* concur (or fully concur).

In closing each speaker provided the following comments:

Ken McDonald sees value in the PL/PW Council focusing on all hunter access programs and providing recommendations for how to improve all current programs (not only the BMP). Ken reiterated that the Department stands by the position it has taken regarding conservation easements, and is looking forward to moving past the audit's implications and working with the Council to improve the larger suite of access programs.

Alan Charles explained that as the Program's administrator, he feels fortunate to have worked on the agricultural, landowner, hunter, and administrative sides of the spectrum, which gives him a broad perspective on the audit and its implications. He explained that he disagrees with many of the audit's findings, and suspects that time and resources hampered the audit team as they attempted to do a thorough review of a highly complex program such as the BMP. Alan also agreed that some findings were accurate, and he is working hard on solutions to these findings. Alan intends to report to the Council as FWP makes progress on the BMP-related work.

Joe Murray explained that the audit was conducted through an audit committee who spent considerable time working to understanding the program. The audit provides individual views on aspects of the program that can be improved, and the goal of any performance audit is that – to make positive changes in how a program operates, to improve the service it provides to public, as well as strengthening the operational controls over the program. Joe reiterated that the Department did not concur with many of the recommendations, and noted that the recommendations were not commands, but simply recommendations.

AGENDA ITEM 6: WORK SESSION – REFRAME AND REFINE BLOCK MANAGEMENT ISSUES

The Council first "downloaded" the key take-away points they heard from the morning speakers, specifying that they wished to note the following key points:

 The issue of gaining access to public lands adjacent to/within lands controlled by a leasee who is not a BMP cooperator

- The problem of missing/incomplete BMP documentation (noting that the levels of incompleteness varied depending on region, person, situations, etc. with some errors being minor)
- The BMP program is <u>successful</u> but changes should be made.
- There may be opportunities to merge or adjust the Coming Home to Hunt and Montana Resident Sportsman's licenses (noting that the Licensing and Funding Advisory Council is expected to work on this issue)
- The question of how to determine monetary value consistently across the landscape.
- There may be a need for development of alternative methods to address large, non-traditional landowners and others not currently allowing public access
- The need for new ways to track hunter days (e.g., an online system, email, etc.)

Next, the Council reviewed the issues specifically regarding the BMP they prioritized in January:

- Ensure adequate funding for block management
- Review the Block Management Program and the BMP audit to see if there are any changes the Council can make

The Council then further refined the original issues. The results of this process yielded the following results (which are preliminary, and do not have formal consensus from the group):

- 1) Resident and non-resident license fees should be evaluated as a first step in ensuring that BMP funding sources are adequate to 1) ensure a balance is reached between quality and quantity of access and 2) ensure the program will continue to grow.
- 2) Review the Block Management Program and the BMP audit to see if there are any changes the Council can make *The Council is aware that FWP is actively addressing issues, but they believe that room should also be left for innovation.*

AGENDA ITEM 7: DISCUSS CURRENT PROJECTS AND GOALS WITH ONE MONTANA

Matt Bitz, Program Manager at One Montana, discussed One Montana's "Common Ground Meetings" initiative. Matt explained that One Montana designed Common Ground to be a private forum in order to engender open dialogue in a safe space. The goal of these meetings is to build relationships among stakeholder groups. Matt also mentioned that the Common Ground group is looking at solutions to improve the BMP, which the group believes could involve adding an online component, placing budgetary sideboards on the program, paying landowners a "fair price," and providing more quality hunting experiences (which Matt admitted is a "moving target"). Matt added several other recommendations he has heard anecdotally, including refocusing the program to address impacts instead of access and considering wildlife management plans for BMP cooperators. The Common Ground group intends to develop a policy recommendation proposal to bring to the PL/PW Council. Generally, the Common Ground group would like to complement the PL/PW Council's work.

During discussion, Matt noted that the group has not reached consensus on recommendations, and is currently in an "information gathering" stage, but hopes to be helpful to the Council in the future. Matt also clarified that his personal recommendations were developed from conversations and data derived from a One Montana survey distributed to hunters and landowners.

NEXT STEPS

➤ Matt Bitz will regularly inform the Council of Common Ground's progress, and was invited to return to PL/PW Council meetings.

AGENDA ITEM 7: LEARN FROM HUNTER, LANDOWNER, AND OUTFITTER REPRESENTATIVES

During the afternoon session, Council members heard from a variety of speakers addressing landowner, hunter, and outfitter relations and access issues.

Randy Newberg, host and producer of *Fresh Tracks with Randy Newberg* and *On Your Own Adventures*, discussed the Block Management Program and compared the BMP to access programs in Wyoming, Kansas, and Idaho. The presentation focused on the benefits and challenges associated with making payments for access or impacts, options for addressing landowner concerns, options to increase program funding, and recommendations for better-utilizing technology. Randy's presentation is attached.

Jay Bodner, Natural Resource Director of the Montana Stockgrower's Association, discussed the Council's specific questions in the context of feedback MSGA solicited from their committees focusing on wildlife, recreation, and landowner issues. Feedback included limiting factors for landowners and landowner concerns, ideas to improve relationships (specifying that FWP should be added to the "three-legged stool" of landowners, hunters and outfitters), and ideas to improve access. Jay's presentation was outlined in a handout, which is attached.

Rob Arnaud of the Montana Hunting Company framed his discussion in terms of who he is as a Montanan, hunter, and outfitter. Rob focused on what Montana offers to hunters in comparison to surround states, emphasizing Montana's pristine wildlife habitat and diversity of big-game species, but noting that providing quality wildlife habitat often comes at a cost to the landowner. Rob explained the comparative advantages a landowner may consider when deciding between public access and contracting through an outfitter. Rob's presentation is attached.

Nick Gevock, Outreach Director at the Montana Wildlife Federation, explained that many of the issues discussed come down to values and views of wildlife (noting that MWF views wildlife as a public resource). Nick said the key to hunting success is to lessen pressure in heavily hunted areas. He also said MWF is interested in looking at how the BMP and landowner/sportsmen relations can be improved as the program goes through "growing pains." Nick suggested using technology for increased efficiency, looking at monetary and other incentives, and requiring completion of the Landowner-Hunter Stewardship Project as a prerequisite to accessing a BMP area. Nick also mentioned increasing the number of game wardens, making the BMP more attractive to landowners, increasing walk-in areas, and learning from other states.

Nina Baucus spoke from the perspective of a landowner, and also that of being the first PL/PW Council Chair. Nina explained that Sieben Ranch has always been open to the public, and is divided between the BMP, a conservation easement, and a special access agreement (with only one part not under a specific program). Nina emphasized that the ranch sees at least 2,000 hunter days per year, and is heavily impacted from the high use. She explained that changes such as

switching to walk-in access in parts of the Ranch were initially met with complaints, but over time the hunters get used to the changes and continue to have a positive, satisfying hunting experience. Nina also explained that BMP impact payments have had to cover damaged gates, cut fences, off-road vehicle use, and damage from bullets. The focus off Nina's presentation was how to deal with hunter attitudes and hunter/landowner relationships. Nina emphasized the need for hunters to respect both the land and wildlife, and also stressed the lack of serious fines and penalties for misbehavior and violations. In conclusion, Nina stressed the importance of the Council, recognized the complex charge they have been given, and applauded their work.

Discussion:

Discussion during this session focused on the usefulness of online registration/reservation systems currently being used in other states, and the liability issues associated with payments for access versus payments for impacts. Alan Charles noted that MCA § 70-16-302 provides a high level of liability protection for landowners. The statute is available at: http://leg.mt.gov/bills/mca/70/16/70-16-302.htm.

AGENDA ITEM 8: WORK SESSION—REFRAME AND REFINE ISSUES REGARDING RELATIONSHIPS AND ACCESS

During this work session the Council worked to "download" and pull out key points from each of the presentations. The Council mentioned:

- We should talk about improving "landowner, sportsman, outfitter..." and FWP relations.
- The "political push back" question is unfair to landowners.
- Hunter attitudes are sometimes problematic Do we need stronger laws to deal with violations, or can we increase education for not only the hunters, but law enforcement officials and county attorneys?
- Related to this, do we need to ramp up/improve public relations efforts?
- FWP could find out how other states address liability issues related to access programs, which would help the Council assess the issues tied to payment for access versus payment for impacts.
- We're not sure if compensation to landowners is fair based on the costs.
- There are opportunities/options for using technology, including online maps and reservations.
- Game Wardens: How much will it cost to increase the number of wardens, and where will the funding come from?
- Can we offer different types of landowner tags?
- What's going on with HB 454?

AGENDA ITEM 9: PUBLIC COMMENT

Luke Williams (Greenville, SC) spoke of the high non-resident license fees, and the total cost of \$6,000-\$7,000 that he normally pays for a hunting trip to Montana. He also noted that while hunting BMP areas he has had poor experiences with landowners in terms of communication and making hunting reservations, and poor experiences with other hunters who openly violated motorized use rules. Luke would like to see more enforcement and higher fines or the possibility of revoking the hunting license of violators.

Ed Grady (Canyon Creek, MT) spoke to the Council about the conservation easement problems suggested by the BMP performance audit. Mr. Grady made six primary points:

- 1) Conservation easements state that landowners under easements can participate in other FWP programs.
- 2) Easements do not address the issue of access to federal and state lands.
- 3) Hunting seasons are longer now than when many landowners originally agreed to put their land under easement.
- 4) Landowners close to larger cities like Helena have to deal with large numbers of resident hunters (many more resident than non-resident hunters).
- 5) There is no value amount put on hunter access in easements.
- 6) The Block Management Program is another good incentive for placing conservation easements on private property.

Suggestions included flat fee cooperator payments by acre for Block Management, removal of refunds for unsuccessful fall elk drawings, and raising resident hunting license fees.

Other Business:

Jim Kropp, FWP Chief of Law Enforcement, discussed issues with game wardens and enforcement. Mr. Kropp explained the citation process and explained different levels of violations. He suggested that increasing fines may not change hunter behavior, but removal of hunting privileges for certain violations could really make a difference in hunter behavior and attitude. In response to funding questions, Jim explained that restitution received from trophy game animals goes back to FWP, which pays for the investigators. In other situations, half of the fine money goes to the county. The Council also asked if wardens can confiscate property, to which Jim responded that FWP can only confiscate game animals that were improperly taken, and can take game weapons as evidence in a case (which is rare). Finally, the Council discussed reasons why the law enforcement division is understaffed, ideas for increasing boots-on-the-ground staff, and the total cost of placing one game warden for a year (roughly \$70,000).

NEXT STEPS

> Jim Kropp said he would provide the Council with a list of the most common violations and how the violations are reprimanded. Emily and/or Alan will follow up with Jim.

Meeting date change: The March meeting was changed from March 19-20th, 2014 to March 18-19th, 2014, to be held in Lewistown at the Historic Calvert Hotel.

Adjourn.

Wednesday, February 19th

AGENDA ITEM 1: WELCOME

Joe Perry welcomed Council members back to the meeting. Council members were asked to report back from their respective "traplines," or the people, organizations, and interests they represent on the Council.

On this topic, members discussed their opportunities to visit with grazing districts and various other local groups. Feedback heard by members included accomplishing not only improved access, but better quality hunting, meeting landowner needs, and addressing the high cost of non-resident license fees. One member is looking into how much public land access is currently restricted by private land in Montana, and various members discussed the importance of bison, sage grouse, predator, and land trade issues around the state. Other feedback included the need for more walk-in BMAs, areas for older hunters, cost-share programs for BMAs, more access, consistent BMA rules (and enforcement), and better hunter education. One member reported on a group forming to address mule deer hunting issues in the Clear Creek area, and another reported feedback on the need for more local working groups. Others reported feedback on problems with locked up public roads, corner crossing issues, and the need to eliminate free hunting licenses.

AGENDA ITEM 2: FEBRUARY 19TH MORNING SESSION RECAP AND DISCUSSION

Emily Schembra provided a recap of the February 19th morning session on the BMP, reminding members of the top issues they noted, and the priorities they proposed in January.

AGENDA ITEM 3: FEBRUARY 19TH AFTERNOON SESSION RECAP AND WORK SESSION

Emily provided a similar recap of the afternoon session before the Council broke into two groups to identify top problems and goals related to the broader issues of hunter, landowner, outfitter and FWP relations and hunting access. Instead of focusing in on the BMP specifically, the members agreed to take a broader perspective, realizing that the BMP might be involved in a *strategy* needed to reach the goal, but is only one part of the puzzle.

After the work session, Council members reported back and agreed to move forward in developing strategies focused on the following broad goals.

On the topic of improving hunting access:

- 1. **Problem:** Private landowners not being comfortable allowing access to public lands, roads and trails.
 - **GOAL:** Respecting and understanding private property rights, the end goal is to maximize access to public and private lands.
- 2. Problem: How to build the rural-urban bridge?
 GOAL: Understanding and respecting each other's values
- 3. **Problem:** How do we engage and build relationships with non-traditional landowners?
 - a. Discussion topics:
 - i. Fear that these landowners do not understand and/or respect Montana's hunting heritage and traditions.
 - ii. Public trust versus private property issues are the underlying problem, and this problem has a lack of statutory and administrative remedies.

GOAL: Increase public access to private property, specifically property owned by non-traditional landowners.

GOAL: Address the needs of non-traditional *and* traditional landowners.

On the topic of improving hunter, landowner, outfitter, and FWP relationships:

This group generally agreed that communication is at the center of all identified relationship problems.

- 1. **Problem**: Landowner expectations of hunter behavior, game management, and FWP **GOAL**: Improve communication between hunters, FWP, and landowners
- 2. **Problem**: How do we preserve FWP credibility with both landowners and hunters? Specifically, how do we prevent side issues from affecting the credibility of regional FWP personnel (Example: bison management decisions affecting game wardens' relationships with landowners, although the game wardens had no control over the decisions)?

GOAL: Improve FWP credibility with both landowners and hunters

- 3. **Problem**: How do we manage hunter behavior, ethics, and violations? **GOAL**: Improve compliance, recognize good behavior
- 4. **GOAL:** Establish relationships with out-of-state large landowners.
- 5. GOAL: Make the BMP easier for all parties (hunters, landowners, and FWP) to use.

NEXT STEPS:

- Council members are encouraged to brainstorm strategies and options to reach the identified access and relationship-related goals in the time leading up to the March 18-19th meeting.
- At the March meeting Council members will move forward in generating and evaluating specific strategies to reach the broad goals, which may eventually become part of a recommendations package from the Council. The problems and goals are subject to change and revision based on the Council's developing interests.

AGENDA ITEM 4: DEVELOP CRITERIA TO EVALUATE OPTIONS

Emily explained the suggested framework for the Council to use as they move from the broad issues (stated as problems and goals) to specific strategies that may be used to reach the goals. Once strategies are developed, the next step is to "screen" the strategies with a set of objective criteria before moving forward to develop recommendations.

The Council developed a set of preliminary criteria, which include:

- Is it [the strategy] specific?
- Is it technically feasible?
- Is it financially feasible?
- Is it legal?

- Is it consistent with the Council's charge?
- Is it attainable?
- Is it measurable?
- It is necessary?
- Is it realistic?
- Is it politically feasible?

NEXT STEPS

- Emily will circulate the preliminary criteria to the Council (attached) for review and consideration.
- ➤ The Council will review, improve, and affirm the criteria at the March meeting.

AGENDA ITEM 3: WRAP UP AND NEXT STEPS

The Council discussed the agenda for the March meeting, to be held March 18-19th in Lewistown at the Historic Calvert Hotel. The proposed agenda includes:

- Hear from a panel of invited landowners to address specific questions
- Hear from regional FWP Supervisors or designated staff about local issues
- Affirm the evaluation criteria
- Generate strategies to address the goals
- Evaluate the strategies

PUBLIC COMMENT:

• Jerry Davis, representing the Montana Bowhunters Association, commented on the need to publically clarify how conservation easements are different from Block Management, explaining that one restricts use, while the other helps ease the pressure of access impacts. They shouldn't be grouped together. Jerry noted that one of the biggest issues with the BMP is the funding, where that money comes from, and what the access program will look like in the future (he suggested that the current funding mechanism is broken). Jerry said that residents have to pay their fair share, and also suggested the Council add "politically feasible" to their criteria (the Council agreed). Having representatives and senators on this panel is critical.

Adjourn.

ALL MEETING FOLLOW-UP ITEMS AND TASKS

- ➤ Matt Bitz will regularly inform the Council of Common Ground's progress, and was invited to return to PL/PW Council meetings.
- ➤ Jim Kropp said he would provide the Council with a list of the most common violations and how the violations are reprimanded. Emily and/or Alan will follow up with Jim.
- ➤ Council members are encouraged to brainstorm strategies and options to reach the identified access and relationship-related goals in the time leading to the March 18-19th meeting.
- At the March meeting Council members will move forward in generating and evaluating specific strategies to reach the broad goals, which may eventually become part of a recommendations package from the Council. *The problems and goals are subject to change and revision based on the Council's developing interests.*
- ➤ Emily will circulate the preliminary criteria to the Council (attached) for review and consideration.
- ➤ The Council will review, improve, and affirm the criteria at the March meeting.
- > Joe, Rich, Emily and Alan will work together to develop and circulate the March meeting agenda and meeting information.
- Alan will coordinate with Jeff Hagener to invite landowners to the March meeting. Emily will follow-up with landowners regarding meeting logistics and specific questions.
- ➤ Members with ideas for specific questions they would like for the invited landowners to answer should contact Joe, Rich, Alan and/or Emily.